IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15876 of 2005

Between:

Akurathi Nagendrudu, S/o. Pullaiah,
R/o. Euprupalem, Chirala Mandal, Prakasam District.

..... PETITIONER

AND

1 Gram Panchayat, Epurupalem, Rep. by its Sarpanch, Chirala Mandal, Prakasam District
2 Epururpalem Gram Panchayat, Rep. by its Panchayat Secretary, Epurupalem, Chirala Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other Writ, order or direction, declaring the order passed by the Epurupalem Gram Panchayat Secretary, dt. 2-7-2005 in ROC No. 3041/2005 as illegal, null and void being without jurisdiction and consequently direct the respondents to issue "No Objection Certificate" forthwith to enable the petitioner to obtain Bar Licence from the competent Authorities, and pass such other orders as may deem fit and proper.

Counsel for the Petitioner : Mr.P.BALAMUKUNDA RAO

Counsel for the Respondents: Mr.M.PRABHAKARA RAO, SC FOR GRAMPANCHAYAT

The Court at the admission stage, made the following :

ORDER:

This Writ Petition is filed by the petitioner to declare the Order dated 02.07.2005 passed by the second respondent as illegal and void being without jurisdiction and consequently to direct the respondents to issue "No Objection Certificate" forthwith so as to enable the petitioner to obtain Bar licence from the competent authorities.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Under Section 246 of the Gram Panchayat Act, the Government has the power to cancel or suspend the Resolution passed when it is against the Rules or provisions of the Gram Panchayat Act or against the public interest. The petitioner without approaching the Government, straight away filed this Writ Petition, which is not maintainable.

Accordingly, the Writ Petition is dismissed. However, it is open for the petitioner to approach the Government under Section 246 of the Gram Panchayat Act and it is for the Government to consider the application of the petitioner and to pass appropriate orders.

(ELIPE DHARMA RAO, J)

Dt: 21.07.2005

bsv/lvl

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To

1 The Sarpanch, Gram Panchayat, Epurupalem, Chirala Mandal, Prakasam District
2 The Panchayat Secretary, Epururpalem Gram Panchayat, Epurupalem, Chirala Mandal, Prakasam District.

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